

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DAYTON CHARLES SAUKE,)
)
Defendant,)
)

This matter came before the Court on January 21, 2021, for a preliminary hearing and upon the motion of the United States for an Order of Detention. The Defendant was present and represented by his attorney, Andrew Mohring, Esq. The United States was represented by Assistant United States Attorney Justin A. Wesley.

Defendant Sauke is charged by Complaint with one count of possession of an unregistered firearm. A preliminary hearing was held on January 21, 2021, where the Defendant waived his right to a preliminary hearing and the Court concluded that probable cause exists to believe the Defendant committed the offense charged.

Before the hearing, pre-trial services interviewed the Defendant and issued a report recommending detention, finding that the Defendant presented a risk of non-appearance and a danger to the community. The United States argued in support of that recommendation, relying upon the Complaint Affidavit and the pretrial services report. The Defendant also proffered information and argued against detention. The Court concludes that there has been a clear and convincing showing that no condition or combination of

conditions of bond will reasonably ensure the safety of the community and a preponderance of the evidence demonstrating that releasing the Defendant will create a serious risk of his nonappearance. Accordingly, the Court will grant the Government's motion for Detention.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under 18 U.S.C. § 3142, pretrial detention may be ordered either upon a clear and convincing showing that release will result in a danger to the community or upon a showing by a preponderance of the evidence that release will result in a serious risk of flight. The Court finds that detention is justified in order to ensure the safety of the community and prevent a serious risk of flight.

The Government established probable cause to believe that the Defendant committed the offense charged in the complaint. The burden is on the Government to show by clear and convincing evidence that no condition or combination of conditions will assure the safety of the community if Defendant is released, or by a preponderance of the evidence that releasing Defendant will create a risk of his nonappearance. 18 U.S.C. § 3142(f).

According to the bond report prepared by the office of probation and pretrial services, the Defendant poses a risk of nonappearance due to the offense conduct, his mental health history, his criminal history including a record of failure to appear, his criminal activity while on supervision, pending charges, and his non-compliance with state probation. The bond report also enumerates the reasons why the Defendant poses a risk of danger, including the nature of the offense, his prior history involving guns and drugs, his mental health history, his substance abuse history, and his non-compliance while on probation.

CONCLUSION

Based upon the evidence presented, the Court concludes that the United States has made a clear and convincing showing that no condition or combination of conditions of bond will reasonably ensure the safety of the community, and has also shown by a preponderance of the evidence that the Defendant poses a serious risk of flight. Accordingly,

IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of the Defendant is granted;
2. The Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. The Defendant shall be afforded reasonable opportunity to consult privately with his lawyer; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which the Defendant is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: January 27, 2021

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge